



Legislative Bulletin.....May 16, 2005

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Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$25 million increase over five years

Effect on Revenue: less than -\$500,000

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 3

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 627 — To designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the “Linda White-Epps Post Office” — *as introduced (DeLauro)*

Order of Business: The bill is scheduled to be considered on Monday, May 16th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 627 designates the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the “Linda White-Epps Post Office.”

Additional Information: Originally from Hamden, Connecticut, Linda White-Epps passed away in October 2003, losing her long battle with breast cancer. According to the bill sponsor, Linda White-Epps “was devoted to the cause of raising awareness about breast cancer among African American women.” As a sufferer of breast cancer, Linda created “Sisters’ Journey, a non-profit organization that provides education and support to breast cancer survivors, their friends and their families.” Additionally, White-Epps raised approximately \$50,000 for the American Cancer Society by organizing the first “Relay for Life,” in the Hamden area and was a two-time recipient of the Points of Light award for her work in fighting breast cancer.

Committee Action: On February 8, 2005, the bill was introduced and referred to the House Government Reform Committee, which considered it and reported it to the full House by unanimous consent on May 5, 2005.

Cost to Taxpayers: The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post Roads.

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H.R. 1760 — To designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the “Robert M. La Follette, Sr. Post Office Building”— *as introduced (Baldwin)*

Order of Business: The bill is scheduled to be considered on Monday, May 16th, under a motion to suspend the rules and pass the bill.

Summary: The bill designates the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the “Robert M. La Follette, Sr. Post Office Building.”

Additional Information: Born in 1855, in Primrose, Wisconsin, Robert La Follette served as a member of the House of Representatives, and for five years as a Republican Governor of Wisconsin. La Follette then served in the Senate for 20 years. He worked in drafting the McKinley Tariff in 1890, fought for the 17th Amendment (direct election of Senators), and defended isolationism. In 1924, La Follette was the presidential nominee of the Progressive Party, opposing the draft, but suggesting taxing large businesses to cover war costs. Additionally, La Follette founded *La Follette’s Weekly*,

which was renamed *The Progressive*, and is still published today. La Follette died in 1925, just a few months after running for president. (Source: <http://www.answers.com/topic/robert-m-la-follette-sr>)

Committee Action: On April 21, 2005, the bill was introduced and referred to the House Government Reform Committee, which considered it and reported it to the full House by unanimous consent on May 5, 2005.

Cost to Taxpayers: The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post Roads.

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H.Res. 266 — Supporting the goals and ideals of Peace Officers Memorial Day — *as introduced (Hefley)*

Order of Business: The resolution is scheduled to be considered on Monday, May 16th, under a motion to suspend the rules and pass the bill.

Note: Last week, the House authorized the use of the Capitol Grounds for this event (H.Con.Res.136).

Summary: H.Res. 266 resolves that the House of Representatives: “supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty, and calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.”

Additional Information: According to the resolution, “more than 870,000 law enforcement personnel, the highest amount ever in the United States, serve their fellow citizens as guardians of peace, and 153 peace officers across the Nation were killed in the line of duty during 2004, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks.” Additionally, the measure notes that under current law there is a request that, “the President issue each year a proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty.”

Committee Action: On May 5, 2005, the resolution was introduced and referred to the House Government Reform Committee, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 1046 — To authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming (Cubin)

Order of Business: The bill is scheduled for consideration on Monday, May 16, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1046 authorizes the Secretary of the Interior, through the Bureau of Reclamation, to enter into one or more contracts with the city of Cheyenne, Wyoming, for annual water storage for the city's municipal and industrial use in Seminoe Dam and Reservoir of the Kendrick Project. The Kendrick Project is a Bureau of Reclamation project on the North Platte River that was authorized by a finding of feasibility approved by the President on August 30, 1935, and constructed for irrigation and electric power generation, including Seminoe Dam, Reservoir, and Powerplant; and Alcova Dam and Powerplant. The term of this and subsequent successive contracts could be no longer than 40 years.

The bill specifies that the new contracts shall not adversely affect the Kendrick Project, any existing Kendrick Project contractor, or any existing Reclamation contractor on the North Platte River System.

Committee Action: The bill was introduced on March 2, 2005, and referred to the House Committee on Resources, which did not consider the resolution.

Cost to Taxpayers: A CBO cost estimate on the identical Senate companion legislation (S. 99) estimated that implementing the bill would have "no significant impact" on the federal budget.

Currently, the bureau provides water storage services under a temporary one-year contract to the city of Cheyenne through the Kendrick Project on the North Platte River. The temporary contract has the same terms as the expired contract. Under the temporary contract, the city makes an annual payment of \$70,000 to the federal government. Under the bill, the city would negotiate a contract with the federal government for water storage services. Under that contract, the bureau expects that the city would make an annual payment of about \$53,000 to the federal government (a \$17,000 savings for the city). Thus, the bill would decrease offsetting receipts, but the loss of such receipts would be less than \$500,000 over the 2006-2015 period.

Constitutional Authority: A Resources Committee report citing constitutional authority is unavailable for H.R. 1046

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 485—Potash Royalty Reduction Act (Pearce)

Order of Business: The bill is scheduled to be considered on Monday, May 16th, under a motion to suspend the rules and pass the bill.

NOTE: H.R. 485 contains the text of H.R. 4984 (Potash Royalty Reduction Act) and H.R. 4625 (Soda Ash Royalty Reduction Act) from the 108th Congress, both of which passed the House by voice vote as part of S. 1521 on October 4, 2004. H.R. 4625 also passed the House as a stand-alone bill by voice vote on July 19, 2004.

Summary: H.R. 485 would temporarily reduce to 1% the federal royalty rate charged to producers of potassium and potassium compounds (potash) on federal land. The bill would direct the Secretary of the Treasury, without further appropriation, to return 50% (plus interest) of potash royalties to producers to support projects to reclaim federal land where potash is mined. The bill also requires a report to Congress including “a recommendation on whether the reduced royalty rate for potassium from sylvite should apply after the end of the 5-year period.”

H.R. 485 would also reduce royalty fees for soda ash (the trade name for sodium carbonate) mined from federal land to 2% for the next five years. A report to Congress would be required on the effects of the royalty reduction, including the number of jobs created or maintained, and a recommendation of whether the reduced rate should continue beyond the five-year period.

Additional Background: Potash is used primarily as an agricultural fertilizer. According to *National Journal* (<http://nationaljournal.com/members/markups/2004/09/200425906.htm>), the potash producers claim foreign competitors with substantial state support are threatening their industry, which had a production value of about \$260 million in 2003. New Mexico, Michigan, and Utah are the principal centers of potash production. For more information on potash, visit this webpage: <http://minerals.usgs.gov/minerals/pubs/commodity/potash/>.

According to the findings of the soda ash section of H.R. 485, U.S. exports of soda ash have been “flat,” despite booming world demand, and over 700 jobs have been lost in the U.S. soda ash industry since the Department of the Interior increased the royalty rate. In 1996, the Department of the Interior increased the royalty rate on sodium compounds and related products from 5% to 6% for renewed leases and from 5% to 8% for new leases. The bill notes “most of the world’s largest markets...including Brazil, the People’s Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies” and that the People’s Republic of China has supplanted the U.S. as the largest producer of soda ash in the world.

According to the committee report for H.R. 4625 last year, Wyoming supplies about 90% of the nation’s soda ash sodium carbonate, and the total estimated value of domestic soda ash produced in

2003 was \$800 million. Glass making consumes about half of soda ash output, followed by the chemical industry, which uses about a quarter of the output. Other uses include soap, paper manufacturing, and water treatment. The U.S. soda ash industry pays about \$100 million in taxes to federal, state, and local governments. For more information on soda ash, visit this webpage: http://minerals.usgs.gov/minerals/pubs/commodity/soda_ash/.

Committee Action: In February 2005, H.R. 485 was referred to the Resources Committee and subsequently to the Subcommittee on Energy and Mineral Resources. Neither entity took public action on the legislation.

Cost to Taxpayers: Although no cost estimate is available for H.R. 485, last year CBO estimated that H.R. 4984 would increase mandatory spending by \$2 million annually over the five-year period and reduce payments to the states where potash is mined by a total of \$1.3 million annually over the five-year period.

CBO estimated last year that H.R. 4625 would increase mandatory spending by \$3 million annually over the five-year period and would reduce federal payments to three states—Wyoming, Colorado, and California—by a total of \$3 million annually over the five-year period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: No committee report is available for H.R. 485. For H.R. 4984 and H.R. 4625 last year, the Resources Committee, in Reports 108-612 and 108-739 respectively, found authority under Article I, Section 8 (powers of Congress), but failed to cite a specific clause.

House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 2107—National Law Enforcement Officers Memorial Maintenance Fund Act (Saxton)

Order of Business: The bill is scheduled to be considered on Monday, May 16th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2107 would alter the control of the National Law Enforcement Officers Memorial Maintenance Fund established by Public Law 104-329, Section 201. Specifically, the bill would direct the Secretary of the Interior, acting through the National Park Service, to enter into a cooperative agreement with the National Law Enforcement Officers Memorial Fund, Inc., a nonprofit corporation incorporated in the District of Columbia, to carry out the purposes of the Fund as established in Public Law 104-329, Section 201. The agreement would have to direct the Secretary to transfer all amounts in the Fund to the Corporation.

The purposes of the Fund under current law are:

1. “for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;
2. “to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;
3. “for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate;
4. “at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;
5. “for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;
6. “to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of 10 percent of the annual income of the Fund or \$200,000 during any 1-year period; and
7. “at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than \$200,000 of the principal of the Fund may be used to carry out this paragraph.”

H.R. 2107 would strike the 4th, 6th, and 7th purposes above.

Additional Background: The National Law Enforcement Officers Memorial Maintenance Fund is a revolving fund currently administered by the Interior Department for the purposes listed above. The Fund has been capitalized by the sale of \$1 coins honoring the sacrifice of law enforcement officers and by private donations.

Committee Action: On May 4, 2005, the bill was referred to the Resources Committee, which took no official action on it.

Cost to Taxpayers: Although no formal cost estimate is available, nothing in the bill suggests any significant budgetary changes (since the Fund would still be funded by the sale of \$1 coins honoring the sacrifice of law enforcement officers and by private donations).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No (since presumably the transfer of authority was planned in conjunction with the nonprofit corporation).

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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